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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE
ELECTRICAL WORKERS HEALTH AND
WELFARE TRUST; BOARD OF TRUSTEES
OF THE ELECTRICAL WORKERS
PENSION TRUST,

Plaintiffs,

v.

LAM CONTRACTING, LLC, a Nevada
limited liability company,

Defendant.

CASE NO.: 2:24-cv-00686-JCM-BNW

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER
PURSUANT TO FRCP 26(a)(1) AND LR
26-1(b)**

Plaintiffs, the Board of Trustees of the Electrical Workers Health and Welfare Trust and Board of Trustees of the Pension Trust, and Defendant, LAM Contracting, LLC, by and through their respective counsel of record, hereby submit the following joint discovery plan and scheduling order pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(a). It is hereby requested that the Court enter the joint discovery plan and scheduling order:

1. **Meet and Confer.** Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(a), the following parties conferred via telephone conference on January 31, 2025.

1 a. Christopher M. Humes, Esq., for Plaintiffs.

2 b. Paul T. Trimmer, Esq., for Defendant.

3 2. **Pre-Discovery Disclosures.** The Parties will exchange Initial Disclosures as
4 required by Fed. R. Civ. P. 26(a)(1) on **Tuesday, March 4, 2025**.

5 3. **Discovery Cut-Off Date. Monday, July 14, 2025.** This date is less than 180 days
6 from the date Defendants appeared in this action (**Monday, January 13, 2025**). The Parties agree
7 that discovery may be needed on all allegations, claims and defenses, and that it is not necessary,
8 at this time, to conduct discovery in phases or that discovery be limited in any way.

9 4. **Disclosure of Experts.** Disclosure of experts shall proceed according to FRCP
10 26(a)(2) as requested herein:

11 a. **Expert Reports.** The disclosure of experts and expert reports shall occur
12 on or before **Thursday, May 15, 2025**, which is not less than 60 days
13 before the discovery cut-off date; and

14 b. **Rebuttal Expert Reports.** The disclosure of rebuttal experts and their
15 reports shall occur on or before **Monday, June 16, 2025**, which is not
16 more than 30 days after the initial disclosure of experts.

17 5. **Other Items.**

18 a. **Amending Pleadings and Adding Parties.** The Parties shall have until
19 **Tuesday, April 15, 2025**, to file any motion(s) to add parties or amend
20 pleadings. This is 90 days before the discovery cut-off date.

21 b. **Dispositive Motions.** The Parties shall file dispositive motions on or
22 before **Wednesday, August 13, 2025**. This date does not exceed the
23 outside limit of 30 days following discovery cut-off date that LR 26-(b)(4)
24 presumptively sets for filing dispositive motions.

25 c. **Pretrial Order.** The pretrial order shall be filed by **Friday, September 12,**
26 **2025**, which is not more than 30 days after days after the date set for filing
27 dispositive motions in the case. In the event a dispositive motion is timely
28 filed, the deadline to submit the pretrial order shall be suspended until 30

1 days after a decision is made on such motion. The disclosures required by
2 FRCP 26(a)(3) shall be made in the joint pretrial order.

3 d. **Extensions or Modifications of the Discovery Plan and Scheduling**
4 **Order.** LR 26-4 governs modifications or extensions of this discovery plan
5 and scheduling order. Any stipulation or motion must be made not later
6 than 21 days before the discovery cut-off date and must comply fully with
7 LR 26-4.

8 e. **Alternative Dispute Resolution.** The parties hereby certify that they have
9 met and conferred about the possibility of using alternative dispute
10 resolution processes pursuant to LR 26-1(b)(7). The parties will re-visit
11 using the Court's alternative dispute-resolution processes as the case
12 progresses.

13 f. **Alternative Forms of Case Disposition.** Plaintiffs and Defendants certify
14 that they considered consent to trial by a magistrate judge under 28 U.S.C.
15 § 636(c) and FRCP 73 and the use of the Short Trial Program (General
16 Order 2013-01). The parties decline to participate in these forms of case
17 disposition at this time.

18 g. **Electronic Evidence.** The parties hereby certify that they discussed
19 whether they intend to present evidence in electronic format to jurors for
20 the purposes of jury deliberations pursuant to LR 26-1(b)(9). The parties
21 did not make any stipulations regarding providing discovery in an
22 electronic format compatible with the Court's electronic jury evidence
23 display system.

24 h. **Electronically Stored Information.** At this time, the Parties believe that
25 this case will likely not involve or require the inspection or production of
26 some electronically stored information ("ESI"). To the extent a party
27 requests ESI, the parties agree to meet and confer to determine the
28 parameters of the production and to produce according to the Federal Rules

1 of Civil Procedure and LR 26-1(b)(9).

2 i. **Protective Order.** The Parties agree to work together to enter into a
3 stipulated protective order pursuant to Federal Rule of Civil Procedure
4 26(c) prior to producing any confidential documents in their possession.

5 j. **Agreement to Email Service.** The parties agree the discovery requests,
6 discovery responses, and discovery production may be served on counsel
7 of record via email. Service of such documents by email shall be treated
8 the same as service by personal delivery for purposes of calculating
9 deadlines.

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k. **Reservation of Rights.** The Parties expressly reserve their rights to move to stay discovery should the need arise.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

JACKSON LEWIS, P.C.

/s/ Christopher M. Humes

/s/ Paul T Trimmer

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Attorneys for Plaintiffs

Attorney for Defendant

Dated: February 25, 2025

Dated: February 25, 2025

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: February 26, 2025